

REMARKS

In response to the final Office Action dated December 22, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-18, and 20-32 are pending in this application.

Rejection of Claims Under § 102 (e)

The Office rejects claims 1, 3-18, and 20-32 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 7,212,979 to Matz.

Claims 1, 3-18, and 20-32, however, are not anticipated by *Matz*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Matz*. Independent claim 1, for example, recites “*receiving clickstream data at a viewer appliance*” and “*receiving an identifier of a viewer who generated the clickstream data.*” Independent claims 9, 18, 23, and 25 recite similar features.

Matz does not anticipate these features. *Matz* describes the transmission of viewer actions to a subscriber action database. See U.S. Patent 7,212,979 to Matz at column 6, lines 25-30. *Matz*, however, fails to teach or suggest “*receiving an identifier of a viewer who generated the clickstream data.*” The patent to Matz, then, cannot anticipate the independent claims.

Independent claims 18, 23, and 25 recite additional, distinguishing features. These independent claims, for example, recite “*receiving ... a time at which a switch received the user commands.*” Because *Matz* completely fails to teach or suggest these features, *Matz* cannot anticipate independent claims 18, 23, and 25.

Claims 1, 3-18, and 20-32, then, cannot be anticipated by *Matz*. The independent claims recite many features that are not disclosed or suggested by *Matz*. The dependent claims incorporate these same features and recite additional features. Claims 1, 3-18, and 20-32, then, cannot be anticipated, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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